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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,440	01/22/2002	Naomasa Shiraishi	111734	6415

7590 08/15/2003
Oliff & Berridge
PO Box 19928
Alexandria, VA 22320

EXAMINER

POWELL, WILLIAM A

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 08/15/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,440

Applicant(s)

Shiraishi

Examiner

Powell, Wm. A.

Group Art Unit

1765

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on JAN. 22, APR. 12, OCT. 15, 2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- Of the above claim(s) 0 is/are withdrawn from consideration.
- ☒ Claim(s) 3, 4, 12, 13, 21, 25 is/are allowed.
- ☒ Claim(s) 1, 2, 5, 6-11, 14-20, 22-24 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☒ The proposed drawing ~~correction~~, filed on 01/22/02 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☒ Copies of the certified copies of the priority documents have been received
- in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3, 6
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1765


1. Claims 1, 2, 5-11, 14-20 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The expression, "predetermined", rendered these claims indefinite since it is not clear what such may include. The use of "predetermined" reads on a nebulous metalⁿ step conductor prior to the "manipulative steps of the claimed invention, hence rendering the present process and apparatus claims unclear in meaning and scopes. If applicant wishes to patent detailed controls over the recited process, they should be positively recited. A claim is indefinite where it specifies "predetermined" temperature, etc. ---, when such according to applicant's definition merely means determined before hand. Note, Seagrams & Sons Inc. Vs Mazall, 84 U.S.P.Q. 180. The claims are therefore, considered to be unpatentable under 35 U.S.C. 112, second paragraph for the reasons set forth above. They could be clarified by merely canceling said expression.

2. Claims 3, 4, 12, 13 21 and 25 appear to be in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Powell whose telephone number is (703) 308-1975.

W. Powell/mn
August 12, 2003


WILLIAM A. POWELL
PRIMARY EXAMINER